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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,021	06/25/2004	Jixiong Dong	9896-000023/US/NP	2768
27572 7590 01/23/2009 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
EXAMINER				
CHRISS, ANDREW W				
ART UNIT		PAPER NUMBER		
2419				
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01/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,021

Applicant(s)

DONG, JIXIONG

Examiner

Andrew Chriss

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed October 7, 2008, has been entered and carefully considered. Claims 1 and 8 are amended, Claim 4 is canceled, and Claims 1-3 and 5-11 are currently pending.
2. In light of Applicant's amendment to Claims 1 and 8, rejection of Claims 1 and 5-7 under 35 U.S.C. 102(b) and Claims 2, 3, and 8-11 under 35 U.S.C. 103(a) is withdrawn.

Claim Objections

3. **Claims 1 and 8** objected to because of the following informalities: Claim language "consisting of more than one nodes" should read "consisting of more than one node." Claim language "wherein each of the logic system" should read "wherein each of the logic systems." Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 1-3 and 5-11** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Regarding Claims 1 and 8**, the amended claim language in independent claims 1 and 8 recites "defining a plurality of logic-systems in a network, wherein each of the logic systems defines a physical media with a same protection mode." It is unclear

what is meant by the claim language "a physical media with a same protection mode," or what the claimed protection is the same as. Further, the amended claim language recites "mapping more than one of the minimum protection units into different logic-systems, wherein each logic-system consists of at least two minimum protection units of each node." Per MPEP 2111.02: "The transitional phrase "consisting of" excludes any element, step, or ingredient not specified in the claim." The use of the phrase "consisting of" essentially closes the features/functionalities of the claimed logic-system immediately following the phrase to the exclusion of other features/functionalities recited in the claim language. Further, the above phrase from the claim language ("logic system consists of at least two minimum protection units of each node") contradicts the phrase "logic system defines a physical media." Examiner asserts that a node (e.g., switch, repeater) is different than the physical media (e.g., fiber). Lastly, the amended claim language recites "determining, where protection for a logic-system is needed, a working mode of a node that belongs to the logic-system." However, the claimed "protection mode" is unclear as to what the claimed mode comprises (e.g., regarding the features or functionalities that comprise such a mode, or if the protection mode and working mode are cooperatively related). Claims 2, 3, 5-7, and 9-11 depend on Claims 1 and 8 and fail to resolve the deficiencies therein.

Further regarding Claim 3, the claim language recites "creating logic-systems for protection switching." It is unclear whether the logic-systems cited in Claim 3 are the same as logic-systems defined in the amended claim language in Claim 1.

Further regarding Claim 6, the claim language recites "only services of a logic-system satisfying the current logic-system protection switching trigger condition participate in the protection switching." However, there is no reference in the amended claim language of Claim

1, upon which Claim 6 depends, to the logic-system corresponding to or comprising any such “services.” Further, it is unclear where the claimed step “implementing protection switching” corresponds to the amended claim language “determining, where protection for a logic-system is needed, a working mode of a node that belongs to the logic system” recited in Claim 1.

Response to Arguments

6. Applicant's arguments with respect to Claims 1 and 5-7 under 35 U.S.C. 102(b) and Claims 2, 3, and 8-11 under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Chriss whose telephone number is (571)272-1774. The examiner can normally be reached on Monday - Friday, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Chriss
Examiner
Art Unit 2419
1/21/2009

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2419